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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,373	01/15/2002	Gurtej S. Sandhu	MI22-1896	7531

21567 7590 10/04/2002

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SPOKANE, WA 99201-3828

EXAMINER

SCHILLINGER, LAURA M

ART UNIT	PAPER NUMBER
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2813

DATE MAILED: 10/04/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,373

Applicant(s)

SANDHU ET AL.

Examiner

Laura M Schillinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 1/15/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant failed to provide copies of the non-patent literature, including the PCT application, such documents are not easily obtainable and a copy of the relevant portions should be provided by the applicant. The Examiner does have the Wolf text and consequently, the portions cited by the Applicant have been considered along with the US patents. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 11-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Aronowitz et al ('998).

In reference to claim 11, Aronowitz teaches a method comprising:

Providing the silicon-oxide containing layer over a substrate; the layer having an upper surface above the substrate and a lower surface on the substrate (Fig.2C (206))

Exposing the layer to activated N species from a N-containing plasma to introduce N into the layer and form a N-enriched region, the N enriched region being only in an upper half of the SiO containing layer (Fig.2D (206b) and Col.6, lines: 50-60); and

Thermally annealing the N within the N-enriched region to bond at least some of the N to Si proximate the N(Col.6, lines: 45-50);

The N-enriched region remaining confined to the upper half of the SiO containing layer during the annealing; the thermal annealing comprising either (1) thermal processing at a temperature of less than 1100 C for a time of at least about 50 degrees C/sec to a process temperature of less than 1000 degrees C with the process temperature being maintained for at least about 30 seconds (Col.6, lines: 45-50).

In reference to claim 12, Aronowitz teaches wherein the N-enriched region is formed only in the upper third of the SiO layer by the exposing (Col.6, lines: 20-30).

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In reference to claim 13, Aronowitz teaches wherein the N-enriched region is formed only in the upper third of the SiO layer by the exposing and remains confined to the upper third of the SiO containing layer during the annealing (Col.6, lines: 20-30).

In reference to claim 14, Aronowitz teaches wherein the N-enriched region is formed only in the upper fourth of the SiO layer by exposing and remains confined to the upper fourth of the SiO containing layer during the annealing (Col.6, lines: 20-30).

In reference to claim 15, Aronowitz teaches wherein the N-enriched region is formed only in the upper fifth of the SiO layer by the exposing and remains confined to the upper fifth of the SiO containing layer during the annealing (Col.6, lines: 20-30).

In reference to claim 16, Aronowitz teaches wherein the layer is maintained at a temperature of less than 400 degrees C during the exposing (Col.6, lines: 45-50).

In reference to claim 17, Aronowitz teaches wherein the plasma is maintained with a power of from about 500 watts to about 5000 watts during the exposing (Col.6, lines: 45-50).

In reference to claim 18, Aronowitz teaches herein the exposing occurs within a reactor, and wherein a pressure within the reactor is from about 5 mTorr to about 10 mTorr during the exposing (Col.6, lines: 45-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronowitz ('998).

In reference to claim 17, Aronowitz teaches wherein the plasma is maintained with a power of from about 500 watts to about 5000 watts during the exposing (Col.6, lines: 45-50-200 Watts).

In reference to claim 19, Aronowitz teaches wherein the exposing occurs for a time of less than or equal to about 1 minute (See Table 1, Col.7- 2 minutes). These claims are prima facie obvious without showing that the claimed ranges achieve unexpected results relative to the prior art range. In re Woodruff, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also In re Huang, 40 USPQ2d 1685, 1688 (Fed. Cir. 1996) (claimed ranges of a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art). See also In re Boesch, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill of art) and In re Aller, 105 USPQ 233 (CCPA 1955) (selection of optimum ranges within prior art general conditions is obvious).

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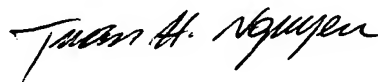
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-F 7:00 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1500.

LMS
September 30, 2002



Tuan H. Nguyen
Primary Examiner